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(b) a polypeptide comprising an amino acid sequence of amino acids 1 through 411 of SEQ ID NO: 6;

(c) a polypeptide that is at least about 70% identical in amino acid sequence to amino acids 1 through 417 of SEQ ID NO:2, wherein the polypeptide is capable of inducing apoptosis and the percent identity is calculated using the GAP computer program; and

(d) fragments of the polypeptides of (a), or (b), the fragments capable of inducing apoptosis.

REMARKS

Applicants respectfully request reconsideration of the claims pending in this application. Claims 1-3, 6-17, and 19-25 are pending. Claims 2 and 22-25 are allowed. Claims 1, 3, 6, 7, 10, 11, 13, 14, 16 and 17 stand rejected; and claims 8, 9, 12, 15 and 19 are objected to. By the requested amendment, claims 1, 3, 13-14 and 16 are amended; and, claims 8, 9, 12, 15, 17 and 19 are canceled. New claim 26 replaces canceled claim 17. Support for the amendment is found on page 10, first full paragraph, of the disclosure. In the remarks that follow, Applicants address each of the issues raised in the order in which they appear in the Final Action mailed October 27, 1999.

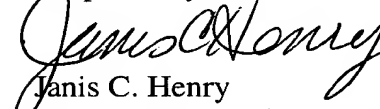
First, the Examiner objects to claims 8, 9, 12, 15 and 19 as being dependent from previously canceled claims. By the above amendment, Applicants cancel these claims, rendering this objection moot.

The Examiner rejects claims 1, 3, 16, 17, and claims dependent from these claims, under 35 U.S.C. §112, second paragraph, as being indefinite. The Examiner asserts that claims 1 and 16 recite DNA hybridizing conditions without reciting wash conditions. Amended claims 1 and 16 recite wash conditions and hybridization conditions. Support for the amendment is found on page 10, first full paragraph. Further, with respect to claim 1, the Examiner asserts that the limitation "biologically active fragments" is indefinite. By the above amendment, Applicants delete this limiting language and language that limits the fragments to those that induce apoptosis. In view of this amendment, Applicants respectfully submit that this rejection is overcome and request that the Examiner withdraw the rejection.

In another Section 112, second paragraph rejection, the Examiner rejects claims 3 and 17 as being indefinite with respect to their recitation of a polypeptide that is at least about 70% identical to a specific amino acid sequence. Applicants repeat remarks presented in Amendment A and reassert that reciting the algorithm for determining "percent identity" provides sufficient definiteness to the claims. Applicants believe claims 3 and 17 are allowable and respectfully request that this rejection be withdrawn.

In view of the foregoing amendment and remarks, Applicants respectfully submit that the claims pending in this application are now in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,


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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box AF, Assistant Commissioner for Patents, Washington, D.C. 20231, on the date indicated below.

Date: January 27, 2000

Signed: 
Kathleen F. Prindle